

MINUTES

REGULAR MEETING OF THE CITY COUNCIL

CITY OF MEMPHIS

January 8, 2008

3:30 P.M. SCHEDULED SESSION

3:40 P.M. MEETING COMMENCED

ROLL CALL: William Boyd, Joe Brown, Harold Collins, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Scott McCormick

**THE MEETING WAS CALLED TO ORDER
BY SERGEANT-AT-ARM**

INVOCATION

The meeting was opened with prayer by Apostle Benjamin Smith from Miracle Temple Ministries. Councilman Collins presented Apostle Smith with a certificate naming him Chaplain of the day.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

MINUTES

Approval of the Minutes of the regular meeting of December 18, 2007 with the following motion:

MOTION: Ware
SECOND: Morrison
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick
NAY: Brown

APPROVED, as amended

**CONSENT AGENDA – Items 1 – 3 & #28 may be acted upon by one motion:
SEE PAGE 2390 FOR ROLL CALL**

- 1. RESOLUTION APPROVING FINAL PLAT OF WAL-MART SUBDIVISION.**

Resolution approves the final plat located on Friars Point, south of Trinity Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

2. **RESOLUTION ACCEPTING WESTIN-BEALE STREET HOTEL AND AUTHORIZING RELEASE OF BOND.**

(Contract No. CR-5050)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northwest corner of Third Street and Lt. George W. Lee Avenue. The standard improvement contract was approved on February 6, 2007. Resolution also authorizes the release of the Letter of Credit in the amount of \$183,000.00.

City Engineer recommends approval

APPROVED

3. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. SAC 07-609 – Old Lamar Avenue Closure

Public Hearing Set for January 22, 2008

28. **RESOLUTION approving final plat of UT/BAPTIST RESEARCH PARK TRUCK COURT SANITARY SEWER RELOCATION.**

Contract No. CR-5103

Resolution approves the final plat located on the northeast corner of East Street and Union Avenue. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Morrison

SECOND: Fullilove

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

MLGW CONSENT AGENDA – Items 4 - 11 may be acted upon by one motion

- 4. **RESOLUTION APPROVING CHANGE NO. 12 TO CONTRACT NO. 10569, INTERACTIVE VOICE RESPONSE SYSTEMS, WITH NORTEL NETWORKS, INC. IN THE FUNDED AMOUNT OF \$30,540.00. (THIS UPGRADES THE PROCENTER CALL ROUTING SYSTEM TO REFLECT CHANGES MADE TO THE MLGW CREDIT POLICY.)**

APPROVED

- 5. **RESOLUTION AWARDDING 36-MONTH CONTRACT FOR PHOTO-ELECTRIC CELL RELAYS TO THE DTL DIVISION OF AMERICAN ELECTRIC LIGHTING, AN ACUITY BRANDS COMPANY, C/O RUFFIN & ASSOCIATES IN THE AMOUNT OF \$211,329.70.**

APPROVED

- 6. **RESOLUTION AMENDING PURCHASE ORDER NO. 129505 WITH TYNDALE COMPANY, INC. FOR FLAME-RESISTANT CLOTHING IN THE AMOUNT OF \$70,524.00, FOR A TOTAL AMOUNT OF \$359,489.85.**

APPROVED

- 7. **RESOLUTIONAWARDDING CONTRACT FOR SUBSTATION CAPACITOR BANKS, AS FOLLOWS:**

General Electric c/o Utilicor.....	\$120,304.00
Cooper Power c/o HD Supply.....	<u>106,540.00</u>
Total	\$226,844.00

APPROVED

- 8. **RESOLUTION AWARDDING CONTRACT FOR ONE GALVANIZED STEEL TRANSMISSION POLE TO TRANSAMERICAN POWER PRODUCTS, INC. C/O UTILICOR IN THE AMOUNT OF \$36,471.00.**

APPROVED

- 9. **RESOLUTION AWARDDING CONTRACT FOR WONDERWARE SOFTWARE UPGRADE TO INSOURCE SOFTWARE SOLUTIONS IN THE AMOUNT OF \$88,641.75.**

APPROVED

- 10. **RESOLUTION AWARDDING 24-MONTH CONTRACT FOR RENTAL OF WIDE FORMAT COPIER/PLOTTER/SCANNER DEVICES TO TECH PLUS, INC. IN THE AMOUNT OF \$201,162.00.**

APPROVED

- 11. **RESOLUTION APPROVING PAYMENT OF INVOICE FROM TENNESSEE ONE-CALL SYSTEM, INC. IN THE AMOUNT OF \$93,363.05 FOR 2008 MEMBERSHIP DUES.**

APPROVED

MLGW ROLL CALL CONSENT ITEMS

MOTION: Halbert
SECOND: Lowery
AYES: Boyd, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,
Morrison, Strickland, Ware and Chairman McCormick
NAY: Brown

APPROVED

12. **OATH OF OFFICE – INAUGURATION CERTIFYING ELECTED OFFICIALS.**
(on file in Council Records)

(No vote was required on this item)

13. **FILING OF BLANKET SECURITY BOND.**
(on file in Council Records)

(No vote was required on this item)

14. **ORDINANCE AMENDING CHAPTER 36, ARTICLE I, SECTION 36-11 OF THE CODE OF ORDINANCES SO AS TO ESTABLISH A SENIOR PROPERTY TAX FREEZE, UP FOR T H I R D AND F I N A L READING.**
Ordinance No. 5251

MOTION: Ware
SECOND: Flinn
AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth,
Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

15. **ORDINANCE AMENDING CHAPTER 21, ARTICLE VI, SECTION 237 OF THE CODE OF ORDINANCES TO PROHIBIT MINORS SOLICITING FROM RIGHT OF WAYS, UP FOR T H I R D AND F I N A L READING.**
Ordinance No. 5248

MOTION: Lowery
SECOND: Ford

(Back to Committee and Full Council on Jan. 22, 2008)

16. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF TWO MILLION, SEVEN HUNDRED TWENTY THOUSAND, FOUR HUNDRED EIGHTY-EIGHT DOLLARS (\$2,720,488.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE ADULT AND ADMINISTRATIVE SERVICES GRANT. RESOLUTION ALSO**

AMENDS THE FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.

MOTION: Ware

SECOND: Ford

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

17. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF ONE MILLION, EIGHT HUNDRED FIFTY THREE THOUSAND, SIX HUNDRED, SIXTY FOUR DOLLARS (\$1,853,664.00) FROM THE STATE OF TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT DIVISION FOR WIA TITLE ONE DISLOCATED WORKERS AND ADMINISTRATIVE SERVICES GRANT. RESOLUTION ALSO AMENDS THE FY 2008 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Ware

SECOND: Flinn

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

18. **RESOLUTION TO RECEIVE AND APPROPRIATE \$200,000.00 FROM THE CITY OF BARTLETT TO BE USED TO PURCHASE BOOKS AND MATERIALS FOR THE BARTLETT BRANCH OF THE MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER.**

MOTION: Brown

SECOND: Ware

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

19. **RESOLUTION TO RECEIVE AND APPROPRIATE \$40,000.00 FROM THE STATE OF TENNESSEE, COMMUNITY ENHANCEMENT GRANT TO BE USED TO PURCHASE BOOKS AND MATERIALS FOR THE HOLLYWOOD, FRAYSER, RANDOLPH AND RALEIGH BRANCH LIBRARIES OF THE MEMPHIS PUBLIC LIBRARY AND INFORMATION CENTER.**

MOTION: Brown

SECOND: Strickland

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

20. **RESOLUTION TO AMEND THE FY 2008 CIP BUDGET TRANSFERRING \$1,600.00 FROM CIP PROJECT NUMBER LI01007 TO LI011011 IN OTHER COSTS TO PURCHASE THREE SERVICE VEHICLES TO REPLACE THREE EXISTING LIBRARY SERVICE VEHICLES.**

MOTION: Brown

SECOND: Ware

AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Ware and Chairman McCormick
Flinn and Strickland did not cast a vote

APPROVED

21. **RESOLUTION TO RECEIVE AND APPROPRIATE \$54,756.00 IN E-RATE REIMBURSEMENT FUNDS FROM THE UNIVERSAL SERVICE ADMINISTRATIVE COMPANY, FEDERAL COMMUNICATION COMMISSION, FOR TELECOMMUNICATION AND INTERNET ACCESS.**

MOTION: Brown

SECOND: Halbert

AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Ware and Chairman McCormick
Flinn and Strickland did not cast a vote

APPROVED

22. **RESOLUTION TRANSFERRING AND APPROPRIATING \$860,470.00 IN G.O. BONDS GENERAL AND FEDERAL FUNDS FOR ANIMAL SHELTER REPLACEMENT/MOTOR VEHICLE INSPECTION STATION: APPLING FARMS PARKWAY/APPLING CITY COVE/MURRAY FARMS ROAD, PROJECT NUMBER PS01010, ANIMAL SHELTER REPLACEMENT, PS01009 MOTOR VEHICLE INSPECTION STATION, ST03006 PUBLIC WORKS STORM DRAINAGE.**

MOTION: Brown

SECOND: Halbert

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

23. **RESOLUTION APPROPRIATING \$290,902.00 FUNDED BY SEWER FUNDS FOR JACK CARLEY SEWER REPAIR, PROJECT NUMBER SW02073 FOR A CONSTRUCTION CONTRACT WITH ACUFF ENTERPRISES, INC., DBA SCOTT CONTRACTORS, INC.**

MOTION: Ware

SECOND: Halbert

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

24. **RESOLUTION APPROPRIATING \$2,675,481.00 FUNDED BY G.O. BONDS GENERAL IN HOLMES/TCHULAHOMA/GETWELL, PROJECT NUMBER PW01123 FOR A CONSTRUCTION CONTRACT WITH FERRELL PAVING, INC.**

MOTION: Ware

SECOND: Halbert

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

25. **RESOLUTION APPROPRIATING \$994,131.00 FUNDED BY G.O. BONDS – GENERAL (STORM WATER) IN 2ND PRES DETENTION NORTH, PROJECT NUMBER ST03105 FOR A CONSTRUCTION CONTRACT WITH ENSCOR, LLC.**

MOTION: Ware

SECOND: Halbert

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

26. **RESOLUTION APPROVING A HOTEL WAIVER FOR THE HYATT PLACE HOTEL MEMPHIS AT 1220 PRIMACY PARKWAY, MEMPHIS, TN. 38119.**

MOTION: Lowery

SECOND: Halbert

AYES: Boyd, Brown, Collins, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman McCormick

APPROVED

27. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON THE NORTHWEST CORNER OF JAMES ROAD AND WARFORD ROAD, CONTAINING .94 ACRE IN THE SINGLE-FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. PD 07-324

(Councilman Morrison made a motion for this item to be held until February 5, 2008)

MOTION: Morrison

SECOND: Ware

AYES: Boyd, Brown, Collins, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and Chairman McCormick

NAYS: Flinn and Hedgepeth

APPROVED, this item is being held until February 5, 2008

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman McCormick recognized the following people from the audience:

Perry Steele, 4876 Billco, Memphis, TN. 38109

Frank Hester, 3247 Tena Ruth Cove, Memphis, TN. 38118
Johnny Hatcher, Jr., 2968 Meadow Lane, Memphis, TN. 38118
Walter Broady, III, 4256 Ledbetter Cove, Memphis, TN. 38109

ADJOURNED MEETING AT 5:15P.M.



Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records